

# ADDENDUM

## ADDENDUM TABLE OF CONTENTS

Cal. Educ. Code § 87732.....	Add. 1
Cal. Educ. Code § 87734.....	Add. 2
Cal. Educ. Code § 87735.....	Add. 2
Cal. Code Regs. tit. 5, § 51200 .....	Add. 3
Cal. Code Regs. tit. 5, § 51201 .....	Add. 3
Cal. Code Regs. tit. 5, § 53425 .....	Add. 4
Cal. Code Regs. tit. 5, § 53601 .....	Add. 5
Cal. Code Regs. tit. 5, § 53602 .....	Add. 5
Cal. Code Regs. tit. 5, § 53605 .....	Add. 7
KCCD Board Policy 3050 [relevant excerpt] .....	Add. 7
KCCD Board Policy 7360 .....	Add. 8

**Cal. Educ. Code § 87732 —  
Grounds for dismissal of regular or academic employee**

No regular employee or academic employee shall be dismissed except for one or more of the following causes:

- (a) Immoral or unprofessional conduct.
- (b) Dishonesty.
- (c) Unsatisfactory performance.
- (d) Evident unfitness for service.
- (e) Physical or mental condition that makes him or her unfit to instruct or associate with students.
- (f) Persistent violation of, or refusal to obey, the school laws of the state or reasonable regulations prescribed for the government of the community colleges by the board of governors or by the governing board of the community college district employing him or her.
- (g) Conviction of a felony or of any crime involving moral turpitude.
- (h) Conduct specified in Section 1028 of the Government Code.

**Cal. Educ. Code § 87734 — Unprofessional conduct**

The governing board of any community college district shall not act upon any charges of unprofessional conduct or unsatisfactory performance unless during the preceding term or half college year prior to the date of the filing of the charge, and at least 90 days prior to the date of the filing, the board or its authorized representative has given the employee against whom the charge is filed, written notice of the unprofessional conduct or unsatisfactory performance, specifying the nature thereof with specific instances of behavior and with particularity as to furnish the employee an opportunity to correct his or her faults and overcome the grounds for the charge. The written notice shall include the evaluation made pursuant to Article 4 (commencing with Section 87660), if applicable to the employee. “Unprofessional conduct” and “unsatisfactory performance,” as used in this section, means, and refers only to, the unprofessional conduct and unsatisfactory performance particularly specified as a cause for dismissal in Section 87732 and does not include any other cause for dismissal specified in Section 87732. political party committee, as defined in Section 85205, within 90 days before the date of a state election or on the date of the election.

**Cal. Educ. Code § 87735 —****Immediate suspension; Hearing upon certain charges**

Upon the filing of written charges, duly signed and verified by the person filing them with the governing board of a community college district, or upon a written statement of charges formulated by the governing board, charging a permanent employee of the district with immoral conduct, conviction of a felony or of any crime involving moral turpitude, with incompetency due to mental disability, or with willful refusal to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations of the employing district, the governing board may, if it deems such action necessary, immediately suspend the employee from his or her duties and give notice to him or her of his or her suspension, and that 30 days after service of the notice, he or she will be dismissed, unless he or she demands a hearing.

**Cal. Code Regs. tit. 5, § 51200 —  
Intent of the Board of Governors**

It is the intent of the Board of Governors that the statement on Diversity, Equity, and Inclusion set forth in Section 51201 be the official position of the Board of Governors and the California Community Colleges on their commitment to diversity and equity in fulfilling the system's educational mission and that it should guide the administration of all programs in the California Community Colleges, consistent with all applicable state and federal laws and regulations.

**Cal. Code Regs. tit. 5, § 51201 —  
Statement on Diversity, Equity, and Inclusion in the California  
Community Colleges**

- (a) With the goal of ensuring the equal educational opportunity of all students, the California Community Colleges embrace diversity among students, faculty, staff and the communities we serve as an integral part of our history, a recognition of the complexity of our present state, and a call to action for a better future.
- (b) Embracing diversity means that we must intentionally practice acceptance, anti-racism, and respect towards one another and understand that racism, discrimination, and prejudices create and sustain privileges for some while creating and sustaining disadvantages for others.
- (c) In order to embrace diversity, we also acknowledge that institutional racism, discrimination, and biases exist and that our goal is to eradicate these from our system. Our commitment to diversity requires that we strive to eliminate those barriers to equity and that we act deliberately to create a safe, inclusive, and anti-racist environment where individual and group differences are valued and leveraged for our growth and understanding as an educational community.



- (d) To advance our goals of diversity, equity, inclusion, and social justice for the success of students and employees, we must honor that each individual is unique and that our individual differences contribute to the ability of the colleges to prepare students on their educational journeys. This requires that we develop and implement policies and procedures, encourage individual and systemic change, continually reflect on our efforts, and hold ourselves accountable for the results of our efforts in accomplishing our goals. In service of these goals, the California Community Colleges are committed to fostering an anti-racist environment that offers equal opportunity for all.
- (e) As a collective community of individual colleges, we are invested in cultivating and maintaining a climate where equity, anti-racism, and mutual respect are both intrinsic and explicit by valuing individuals and groups from all backgrounds, demographics, and experiences. Individual and group differences can include, but are not limited to the following dimensions: race, ethnicity, national origin or ancestry, citizenship, immigration status, sex, gender, sexual orientation, physical or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, political beliefs, religion, creed, military or veteran status, socioeconomic status, and any other basis protected by federal, state or local law or ordinance or regulation.

**Cal. Code Regs. tit. 5, § 53425 —**

**Ability to Work with Diverse Individuals and Communities**

In addition to the category-specific qualifications required by this chapter, all district employees shall demonstrate the ability to work with and serve individuals within a diverse community college campus environment as required by local policies regarding DEIA competencies.

**Cal. Code Regs. tit. 5, § 53601 —****Chancellor's Publication of DEIA Competencies and Criteria**

- (a) The Chancellor shall adopt and publish guidance describing DEIA competencies and criteria in collaboration with system stakeholder groups. The DEIA guidance shall be maintained to include current and emerging evidence-based practices developed within the California Community Colleges, or described in DEIA-related scholarship.
- (b) The DEIA competencies and criteria identified by the Chancellor shall be used as a reference for locally developed minimum standards in community college district performance evaluations of employees and faculty tenure reviews.

**Cal. Code Regs. tit. 5, § 53602 —****Advancing Diversity, Equity, Inclusion, and Accessibility in Evaluation and Tenure Review Processes**

- (a) District governing boards shall adopt policies for the evaluation of employee performance, including tenure reviews, that requires demonstrated, or progress toward, proficiency in the locally-developed DEIA competencies or those published by the Chancellor pursuant to section 53601.
- (b) The evaluation of district employees must include consideration of an employee's demonstrated, or progress toward, proficiency in diversity, equity, inclusion, and accessibility DEIA-related competencies that enable work with diverse communities, as required by section 53425. District employees must have or establish proficiency in DEIA-related performance to teach, work, or lead within California community colleges.

(c) To advance DEIA principles in community college employment, districts shall:

- (1) include DEIA competencies and criteria as a minimum standard for evaluating the performance of all employees;
- (2) ensure that evaluators have a consistent understanding of how to evaluate employees on DEIA competencies and criteria;
- (3) set clear expectations regarding employee performance related to DEIA principles, appropriately tailored to the employee's classification;
- (4) place significant emphasis on DEIA competencies in employee evaluation and tenure review processes to support employee growth, development, and career advancement;
- (5) ensure professional development opportunities support employee development of DEIA competencies that contribute to an inclusive campus and classroom culture and equitable student outcomes;
- (6) ensure an evaluation process that provides employees an opportunity to demonstrate their understanding of DEIA and anti-racist competencies.
- (7) include proposed or active implementation goals to integrate DEIA principles as a part of the district's Equal Employment Opportunity Plan required by section 53003.



**Cal. Code Regs. tit. 5, § 53605 —  
Classification-Specific DEIA Obligations**

- (a) Faculty members shall employ teaching, learning, and professional practices that reflect DEIA and anti-racist principles, and in particular, respect for, and acknowledgement of the diverse backgrounds of students and colleagues to improve equitable student outcomes and course completion.
- (b) Educational and other Administrators shall include DEIA and anti-racist principles into existing policies and practices, funding allocations, decision-making, planning, and program review processes. These processes shall take into account the experience and performance of students and colleagues of diverse backgrounds, and work to close equity gaps in student outcomes and hiring.
- (c) Staff members shall promote and incorporate culturally affirming DEIA and anti-racist principles to nurture and create a respectful, inclusive, and equitable learning and work environment. In conducting their duties, staff members shall respect and acknowledge the diversity of students and colleagues.

**KCCD Board Policy 3050 —  
Institutional Code of Ethics Intent of the Board of Governors  
[relevant excerpt]**

The Kern Community College District recognizes that a commitment to the highest ethical and professional standards on the part of all persons associated with the District is necessary to fulfilling our mission and realizing our vision, which are policies of the District. This code of ethics is based on two fundamental principles.

The first is recognition of the dignity of all persons, which respects the inherent value and worth of each person. The second principle is a commitment to fulfilling our obligations to others using fair and honest means.

All associates in the District, faculty, students, management, classified staff, and trustees, as well as volunteers and vendors, each bear personal responsibility for their own ethical behavior and for the ethical stature of our organization. We are committed to fulfilling the District's mission. While we recognize the relationship between law and ethics, we further understand that legal requirements are necessary but not sufficient, and we endeavor always to do what is right and just, even when no one is watching, compelling, or evaluating our actions.

Respect for Persons and Academic Freedom (see BP 4030 titled Academic Freedom)

The inherent dignity of all persons requires that we conduct ourselves with civility in all circumstances of our professional lives. This means that we do not participate in or accept, condone, or tolerate physical or verbal forms of aggression, threat, harassment, ridicule, or intimidation. The District is an institution of higher education and especially values a spirit of free inquiry and free speech. The District encourages the expression of a range of points of view, but we expect all expressions of content to be conducted in a manner respectful of persons. The District nurtures an atmosphere of mutual respect by treating everyone with dignity, even when the values, beliefs, or behavior of a person or group is different from our own. The District recognizes this foundation of mutual respect to be the basis of civil discourse in an academic environment.

\* \* \*

**KCCD Board Policy 7360 —  
Discipline and Dismissal, Academic Employees**

A contract or regular employee may be dismissed or penalized for one or more of the grounds set forth in Education Code Section 87732. If the employee is to be penalized, the Board of Trustees shall determine the nature of the penalties. If the Board of Trustees decides to dismiss or penalize a contract or regular employee, it shall assure that each of the following has been satisfied:

- The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of Education Code Sections 87660 et seq., and any administrative procedure for evaluation contained in a collective bargaining agreement;
- The Board of Trustees has received all statements of evaluation which considers the events for which dismissal, or penalties, may be imposed;
- The Board of Trustees has received a recommendation from the Chancellor.
- The Board of Trustees has considered the statements of evaluation and the recommendations in a lawful meeting.

If the Board of Trustees decides it intends to dismiss or penalize a contract or regular employee, it shall take the actions required by the Education Code, and the Chancellor or designee shall thereafter assure that the employee is afforded the full post-termination due process required by Education Code Sections 87666-87681.

The Chancellor shall establish procedures that define the conditions and processes for dismissal, discipline, and due process and ensure they are available to employees.